IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.101 OF 2006
IN
SUMMONS FOR JUDGEMENT NO.776 OF 2004
IN
SUMMARY SUIT NO.2396 OF 2004

Sharda Paper Products Private Limited — Appellants
vs.
Goyal Starch Paper Products Private Limited. — Respondents

Mr.Nikhil Mehta i/b.M/s.K.M.C.Legal Venture for the appellant.

Mr.H.V.Chande for the respondent.

CORAM : R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED : 23rd February 2006

P.C.

We are informed by the learned counsel for the appellants that subsequent to the passing of the impugned order, now the Suit itself has been decreed and that the appellants are desirous of challenging the said decree. The learned counsel submits that appellants may be permitted to withdraw this appeal with liberty to the appellants to challenge the impugned order in appeal that may be filed by the appellants against the decree.

2. Mr.H.V.Chande, the learned counsel for the respondent does not have any objection to the course suggested by the learned counsel for the appellants.

3. The appeal is, accordingly, allowed to be withdrawn with liberty to the appellants to challenge the impugned order in the appeal that may be filed by the appellants impugning the decree.

(R. M. LODHA, J.)

(ANOOP V. MOHTA, J.)